

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 12/10/2020

SHAELO CRUZ,

Plaintiff,

- V -

SUMMER INFANT (USA), INC.,

**Defendant.**

20-CV-1460 (JPC)

## ORDER

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JOHN P. CRONAN, United States District Judge:

Plaintiff filed the Complaint on February 19, 2020. (Dkt. 1.) Defendant was served with the Complaint on March 2, 2020 making Defendant's Answer or response to the Complaint due on March 23, 2020. (Dkt. 6.) The parties twice stipulated to an extension of time for Defendant to Answer, with the most recent deadline being May 20, 2020. (*See* Dkts. 7-10.) To date, Defendant has neither answered the Complaint nor appeared in this action.

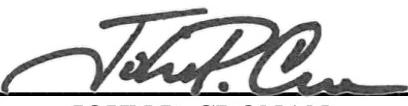
It is hereby ORDERED that any motion for default judgment shall be filed, in accordance with the Court's Individual Rules and Practices for Civil Cases, no later than December 30, 2020. Defendant shall file any opposition to the motion for default judgment by January 13, 2021. It is further ORDERED that Plaintiff serve Defendant via overnight courier (1) with a copy of this Order within one business day of the date of this Order; and (2) with a copy of the motion for default judgment and all supporting papers within one business day of the date of any such motions. In each case, within two business days of service, Plaintiff must file proof of service on the docket.

In the event that Plaintiff elects not to file a motion for default judgment, it is further ORDERED that Plaintiff must show cause by December 30, 2020 why this action should not be dismissed for failure to prosecute. If Plaintiff fails to inform the Court of his intent to proceed with

this case and show cause why his action should not be dismissed by that date, the Court may dismiss this action for failure to prosecute without further notice.

SO ORDERED.

Dated: December 10, 2020  
New York, New York

  
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JOHN P. CRONAN  
United States District Judge